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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional) 0652.1630001/EKS/JUK

In re Application of: Georglev et al.

Application No.: 09/462,625

Filed: July 28, 2000

For: Tumor Growth Inhibition- and Apoptosis-Associated Genes and Polypeptides and Methods of Use Thereof

The owner\*, Boehringer ingelheim International GmbH, of 100 percent interest in the instant application hereby discialms, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal discialmer, of prior Patent No. 6,172,211. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2.	The undersigned is an attorney or agent of record.		
	× Haway	November 27, 2003	X
	Signature	Date	
	Dr. Heinz HAI	MMANN	
	Typed or pri	nted name	

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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STATEMENT UNDER 37 C.F.R. 3.73(b)
Applicant/Patent Owner: Georgiev et al.
Application No./Patent No.:09/462,625 Filed/Issue Date: July 28, 2000
Entitled: Tumor Growth Inhibition- and Apoptosis-Associated Genes and Polypeptides and Methods of Use Thereof
Peak—and Torreibaire International GrobH. 8 Corporation
Boehringer Ingelheim International GrabH, (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)
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2.  an assignce of less than the entire right, title and interest.  The extent (by percentage) of its ownership interest is
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□ Copies of assignments or other documents in the chain of title are attached.  [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302.8]
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.
November 27, 2003  Date  Date  Telephone number  November 27, 2003  Telephone number  Dr. Heinz HAMMANN  Typed or printed name  Signature
✓ <u>Director Corporate Division Patents</u> Title

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